

Court No. 22
12.12.2023
(Item No. 158)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 11366 of 2020

Samoresh Jamra
VS
The State of West Bengal & Ors.

Mr. Keshab Chandra Das
... for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay
..... for the State
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
..... for WBCSSC

Affidavit of service filed in Court today, is
taken on record.

The petitioner claimed to have been appointed
as a **Group D** staff at one **Bankati Junior High
School for Girls, District then Paschim Medinipur
at present District Jhargram (for short, the
school)**. Subsequently the students' strength of the
school became zero and ultimately the school
authority had close down the school.

In the premises, the petitioner made
representation dated **September 24, 2020** before the
respondent No. 6, the jurisdictional District Inspector
of Schools, Jhargram, **Annexure P-4 at page 20A** to
the writ petition, the same has not received any
attention of the State authority.

Mr. Arindam Chattopadhyay, learned State
counsel appears for respondent Nos. 1, 2 6 and 7.

Dr. Sutanu Kumar Patra, learned counsel appears for respondent Nos. 3 to 5.

The State counsel submits that the students' strength became zero as a result the School Management decided to close down the school.

Considering the submissions made on behalf of the parties and upon perusal of the materials on record to sub-serve justice the respondent No. 6 is directed to consider the said representation of the petitioner dated **September 24, 2020, Annexure P-4** at **page 20A** to the writ petition upon serving a prior hearing notice of at least seven days to the petitioner and the respondent No. 8 and then after giving them an opportunity of hearing shall pass a reasoned order in accordance with law.

While considering the case of the petitioner the respondent No. 6 shall make a deep enquiry as to reason of closer of school on the basis of the available records and documents and give his finding with reason.

The entire exercise as directed above shall be carried out and completed by the respondent No. 6 positively within a period of **six weeks** from the date of communication of this order. The respondent No. 6 then shall communicate its reasoned order to the petitioner and the respondent No. 8 within a further

period of **two weeks** from the date of the reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioner, then the respondent No. 6 shall take all further and consequential steps and transmit its decision and necessary records before the **Commissioner of School Education, West Bengal** who in turn shall take all necessary and consequential steps to give effect to the said reasoned order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever documents and records it wishes to relying upon before the respondent No. 6.

It is made clear that this order shall not create any equity or right in favour of the petitioner, in the event, the petitioner is not eligible to receive his claim strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

The petitioner shall communicate a copy of this order along with a copy of the writ petition to the respondent No. 6 and the Commissioner of School Education, State of West Bengal.

On the above terms this writ petition being
WPA 11366 of 2020 stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if
applied for, be supplied to the parties expeditiously on
compliance of usual legal formalities.

(Aniruddha Roy, J.)